

October 9, 2019

Via ECF Filing

Honorable Vincent F. Papalia
United States Bankruptcy Judge
District of New Jersey
50 Walnut Street, Third Floor
Newark, NJ 07102

Kim R. Lynch
Member
klynch@formanlaw.com

Re : Calypso St. Barth, Inc.
Case No. 17-32231 VFP

Trustee's First Omnibus Motion for Entry of an Order Reclassifying
Claims [Docket No. 412]
Hearing Date: October 15, 2019 at 10:00 a.m.

Dear Judge Papalia:

This letter is written in response to the opposition of Daniel Rogosin ("Claimant") to the Trustee's motion seeking to reclassify Claim No. 272 as a tardily filed claim. I note that the opposition was not filed with the Court, nor was it timely received in accordance with the Local Rules and the notice provided to Claimant. In any event, this firm filed the opposition with the Court. We also sent an email to Claimant disputing his opposition. No reply was received from Claimant to date.

Claimant asserts that his claim was timely because it was filed in accordance with the Notice of Bar Date for Filing Request for Payment of Administrative Expense. However, according to the documentation submitted in support of Claim No. 272, the debt to Claimant arose prior to the Petition Date; thus, Claimant would not be entitled to an administrative expense. Rather, Claimant would be entitled to a prepetition claim against the estate.

Creditors holding pre-prepetition claims were required to file proofs of claim on or before April 12, 2018. On January 14, 2018, the Clerk of the Court sent a to the Debtor's creditors advising that the last date to file claims was April 12, 2018 (the "Bar Date Notice"). See, Exhibit A. Claimant was among the creditors to whom this notice was sent. Claimant does not dispute that he was served with the Bar Date Notice.

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Accordingly, the Trustee respectfully requests that the Court overrule the opposition filed and enter an order reclassifying Claim No. 272 to reflect a tardily filed claim.

Respectfully submitted,

/s/ Kim R. Lynch

Kim R. Lynch

Enclosure

cc: Daniel Rogosin

Charles M. Forman, Trustee